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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,210	09/04/2003	Eric Bergman	54008.8087.US01	7002
45540	7590	07/18/2005		
PERKINS COIE LLP/SEMITOOL PO BOX 1208 SEATTLE, WA 98111-1208			EXAMINER PERRIN, JOSEPH L	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/655,210

Applicant(s)

BERGMAN ET AL.

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. In response to applicant's response filed 25 February 2005, the status of the application is as follows:

The rejection of claim 8 under 35 U.S.C. §112, second paragraph is withdrawn in view of applicant's arguments and amendment overcoming the rejection.

Applicant's arguments with respect to the claims rejection over MCMILLAN have been fully considered but they are not persuasive.

In response to applicant's argument that MCMILLAN does not disclose a "workpiece" defined as "silicon or gallium arsenide wafers, flat panel displays, mask reticles, rigid disk media, thin film heads, or other substrates on which electronic, optical, or micro-mechanical components have or can be formed." This is not persuasive, because such definition is not fully limiting as applicant asserts. Namely, the workpiece is described as a workpiece "such as silicon or gallium arsenide wafers, flat panel displays, mask reticles, rigid disk media, thin film heads, or other substrates on which electronic, optical, or micro-mechanical components have or can be formed", such broad description not being limited to the specific examples disclosed.

In response to applicant's arguments that "McMillan does not suggest [the] pivoting step", this is not persuasive because the pouring step of MCMILLAN

anticipates applicant's claimed step of "pivoting". It is noted that there is no structural language which prevents applicant's claimed step of "pivoting" from being performed by hand, as in MCMILLAN. In response to applicant's arguments that "[t]here is also no discussion in McMillan as to how the cleansing fluid is removed from the container 40", applicant is directed to col. 3, line 65 *et seq.* of MCMILLAN, which clearly states "the cleansing fluid may be poured out of the container". In response to applicant's argument that "[t]here is no description anywhere in McMillan of pivoting the container, the position is taken that a person of ordinary skill in the art would immediately recognize the teaching of MCMILLAN of pouring out the cleaning fluid would require pivoting the container and would read on applicant's instant claims.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., rotating by "sustaining 360° + movement") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

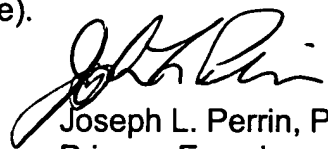
Claims 1-6, 10, 12-15, 17 & 21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,050,073 to MCMILLAN. In Figures 1-2 and relative associated text, MCMILLAN discloses processing workpieces by placing workpieces in a workpiece support (basket 10; see Figures 2, col. 2, lines 1-17, col. 3, lines 37-44), enclosing the workpiece support with workpieces within chamber (enclosure 40 with lid/door 43; see Figure 1 & col. 3, lines 1-5), providing a process liquid in the chamber and immersing the workpieces (see col. 3, lines 37-50), introducing a vapor (see "sprayed" in col. 3, lines 62-64), pivoting the chamber to remove the process liquid (see col. 3, lines 65-68), enclosing the chamber with an outer containment chamber (see "sink" disclosure in col. 3, lines 25-27) . Re claims 3 & 12, MCMILLAN further discloses springs 46 (col. 3, lines 7-21) on the bottom of the workpiece holder for resilient support but doesn't explicitly disclose rotating the workpiece holder to provide fluid agitation. The position is taken that one of ordinary skill would recognize that operation of the workpiece holder having such resilient supports would inherently create a certain degree of rotation about a central axis of the workpiece holder bottom during contact of the springs with the bottom of the chamber/container 40. Since applicant does not define any degree of rotation, the position is taken that any degree of rotation of a workpiece holder reads on applicant's claimed invention. Accordingly, recitation of MCMILLAN reads on applicant's claims.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
4. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph L. Perrin, Ph.D.  
Primary Examiner  
Art Unit 1746

jlpl